

THE HONORABLE FRANKLIN D. BURGESS

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

SOFTWARE PROVISIONS, LLC, an Oregon  
limited liability company, and NATHANIEL  
ANGELUS,

Defendants.

NO. C04-5802FDB

[PROPOSED] ORDER

Good Cause appearing therefore, IT IS HEREBY ORDERED that Defendants Software Provisions, LLC. an Oregon limited liability company, and Nathaniel Angelus, an individual, (collectively, "Defendants") hereby stipulate that Defendants along with their officers, agents, servants, employees, representatives, successors and assigns, and all those persons or entities acting in concert or participation with them, shall be and hereby are PERMANENTLY ENJOINED and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of:

1  
2  
3 (1) software programs, components, end user license agreements  
4 (“EULA”) or items protected by Microsoft’s registered trademarks and service mark,  
5 including, but not limited to, the following Trademark and/or Service Mark Registration  
6  
7  
8  
9 Numbers:

- 10 (i) 1,256,083 (“MICROSOFT”);  
11  
12 (ii) 1,200,236 (“MICROSOFT”);  
13  
14 (iii) 1,872,264 (“WINDOWS”);  
15  
16 (iv) 1,815,350 (COLORED WINDOWS LOGO); and  
17  
18 (v) 1,816,354 (WINDOWS FLAG LOGO); or  
19

20 (2) software programs, components, items or things protected by the  
21 following Certificate of Copyright Registration No.:

- 22 (i) TX 5-126-181 ("Windows Millennium Edition"); or  
23

24 (3) any other works now or hereafter protected by any of Microsoft’s  
25 trademarks or copyrights;  
26

27 (b) manufacturing, assembling, producing, distributing, offering for distribution,  
28 circulating, selling, offering for sale, advertising, importing, promoting, or displaying any  
29 software program, component, EULA, item or thing bearing any simulation, reproduction,  
30 counterfeit, copy, or colorable imitation of any of Microsoft’s registered trademarks or  
31 service mark, including, but not limited to, the Trademark and Service Mark Registration  
32 Nos. listed in Paragraph (a) above;  
33

34 (c) using any simulation, reproduction, counterfeit, copy, or colorable imitation  
35 of Microsoft’s registered trademarks or service mark including, but not limited to, the  
36 Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection  
37 with the manufacture, distribution, offering for distribution, sale, offering for sale,  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

1  
2  
3 advertisement, promotion, or display of any software, component, EULA, item or thing not  
4  
5 authorized or licensed by Microsoft;

6  
7 (d) using any false designation of origin or false description which can or is  
8  
9 likely to lead the trade or public or individuals erroneously to believe that any software,  
10  
11 component, EULA, item, or thing that has been manufactured, produced, distributed, offered  
12  
13 for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or  
14  
15 authorized by or for Microsoft, when such is not true in fact;

16  
17 (e) using the names, logos, or other variations thereof any of Microsoft's  
18  
19 copyright and/or trademark-protected software programs in any of Defendants' trade or  
20  
21 corporate names;

22  
23 (f) engaging in any other activity constituting an infringement of any of  
24  
25 Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right  
26  
27 to use or to exploit these trademarks, service mark, and/or copyrights; or constituting any  
28  
29 dilution of Microsoft's name, reputation, or goodwill; or distributing, offering for  
30  
31 distribution, circulating, selling, offering for sale, or importing any stolen or illegal software  
32  
33 programs, components, EULAs, or items protected by any of Microsoft's trademarks or  
34  
35 copyrights; and

36 //

37  
38 //

39  
40  
41 //

1  
2  
3 (g) knowingly assisting, aiding, or abetting any other person or business entity in  
4 engaging in or performing any of the activities referred to in paragraphs (a) through (f)  
5  
6 above.  
7  
8  
9

10 IT IS SO ORDERED:  
11  
12  
13

14 DATED this 3<sup>rd</sup> day of April 2006.  
15  
16  
17

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51



FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE